

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

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When such a motion is filed and supported by affidavits and/or documents, the petitioner may not rely upon the mere allegations in his pleadings to counter it. The petitioner must respond with counter-affidavits and/or documents to set forth specific facts showing that there is a genuine issue of material fact to be decided. If the petitioner does not do so, the court may declare that the facts in the affidavits and/or documents supporting the motion are established as true and that there is no genuine issue of material fact in dispute. In that event, if the applicable law allows, Respondents will be entitled to have their motion to dismiss granted. The granting of summary dismissal is a final adjudication, with prejudice, on the merits.

Petitioner is hereby informed his claims will be determined only on the allegations in his petition; Petitioner should not think new allegations he makes in his traverse or in any document other than his petition will present to this court additional claims.

Petitioner has twenty-one (21) days from the date of this order to respond. Thereafter, the petition will be taken under advisement by the Court, and the undersigned will enter a report and recommendation without further notice.

The Clerk is DIRECTED to serve a copy of this order upon Petitioner and upon counsel for Respondents.

DONE this 2nd day of October 2014.

A handwritten signature in black ink, appearing to read 'J. H. England, III', written over a horizontal line.

**JOHN H. ENGLAND, III**  
UNITED STATES MAGISTRATE JUDGE